

**Appl. No.** : **10/607,672**  
**Filed** : **June 27, 2003**

### **REMARKS**

The Office Action mailed on July 13, 2006 has been carefully reviewed, and these remarks are responsive thereto. Claims 1-3 and 23-34 are currently pending in this application. By this amendment, Claims 1-3 have been cancelled. Claims 23-34 have been amended. Claims 35-39 have been added. Thus, upon entry of the above-specified amendments, Claims 23-39 are presented for further examination.

#### Discussion of Claim Amendments

Applicant has amended Claims 23-34. The amendment to Claim 23 clarifies that the generated speech is based on received text data. The amendment is not intended to narrow the scope of the claim. Claims 24-34 have been amended to depend (either directly or indirectly) from Claim 23 instead of canceled Claim 1. New Claims 35-39 are drawn to substantially similar subject matter as the elected claims. These claims are fully supported in the application as filed.

#### Discussion of Rejections Under 35 U.S.C. § 112, ¶ 2

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Application has canceled Claim 3, thereby rendering this rejection moot.

#### Discussion of Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 23-29, and 31-34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,426,460 to Erving. As noted previously, Applicant has canceled Claims 1-3. Therefore, the rejection of these claims is moot.

With respect to Claim 23, the Examiner states that Erving teaches a multimedia client terminal (320) adapted to generate graphical image data defining a facial image which is animated to simulate actions accompanying speech at column 3, lines 30-37. The Examiner further states that the Erving describes, at column 1, lines 46-63 and col. 3, lines 3-37, the recited feature of "a receiver arranged to receive signals for processing by the terminal so as to retrieve data therein, said signals comprising text defining the speech to be spoken and command data defining animations to accompany said speech." The Examiner goes on to state that the

remaining features recited in Claim 23 may be found at column 4, line 51 through column 5, line 11.

Claim 23, as amended, recites in relevant part (emphasis added):

A multimedia client terminal adapted to generate graphical image data defining a facial image which is animated to simulate actions accompanying speech, the terminal comprising:

a receiver arranged to receive signals for processing by the terminal so as to retrieve data therein, said retrieved data comprising text defining the speech to be spoken and command data defining animations to accompany said speech;

...

animated speech generating means responsive to said retrieved text and command data so as to generate said speech from said text and to select said facial animations and use said data defining facial characteristics to animate said speech.

Applicant respectfully submits that Erving fails to teach or suggest at least the recited features of “retrieved data comprising text defining the speech to be spoken” and “generating said speech from said text” as recited in Claim 23.

In particular, Applicant submits that Erving does not disclose generating speech and associated animation from text data, but instead describes only a system in which speech and animation is generated based on speech signals which have passed over a communications network. For example, at column 2, lines 20-25, Erving states:

In a particular implementation of the invention, formants are extracted from the vocal tract frequency responses of a particular vocal tract model responsive to a received voice signal over a telecommunication channel. The formants are associated with phonics using maximum likelihood techniques. The phonic information is then converted into lip motion in the idealized lip image.

In a particular embodiment a representative still image of a caller is transmitted over a voice channel at the creation of a call. Selected facial movements of that image are continuously updated for the duration of the call by deriving information from a voice coded signal transmitting the voice message.

As is apparent from this passage, the “speech” provided in Erving is merely the voice data provided in a telephone call. No text data is received, nor is text data involved in the process in

**Appl. No.** : 10/607,672  
**Filed** : June 27, 2003

any respect. As Erving fails to teach each feature recited in the claim, Applicant respectfully submits that the rejection of Claim 23 under Erving is improper and should be withdrawn.

Claim 34 also stands rejected as being anticipated by Erving. Claim 34, as amended, recites in relevant part (emphasis added):

a receiver arranged to receive signals for processing by the terminal so as to retrieve data therein, said retrieved data comprising data defining the speech to be spoken and command data defining animations to accompany said speech, said command data being independent of said data defining the speech to be spoken;

Applicant respectfully submits that Claim 34 is allowable over Erving because Erving fails to teach at least the recited feature of command data being independent of data defining speech to be spoken. In particular, any command data that may be present in Erving is directly related to the data defining the speech to be spoken, i.e., the voice signals. This is illustrated, for example, in the passage of Erving from col. 3, lines 32-37, which states:

The screen 301 has a special screen area 307 devoted to displaying the lips of the facial image of the caller calling the handset. This area includes a special controllable image which is controlled to reproduce or animate the lip motion in response to the received speech signal of the caller.

As is clear from this example, in contrast to the recited claim element, the lip motion is animated *in response to* the speech signal. The command data is further shown to be related to (i.e. not independent of) the data defining the speech to be spoken at column 4, lines 9-20:

The input speech is also applied to the linear predictive coder processor 420, which provides filter coefficients which are representative of the resonant peaks or formants of the input speech. The LPC filter coefficients are related to the lip movements producing the speech. These filter coefficients and indices are transmitted as the total voice speech signal to a telecommunications receiver. The receiver includes a phonic code table which equates these filter coefficients to synthesized mouth movements which are used to control the stylized image presented in the lip area of the caller as displayed at the receiver. An imaging system utilizes the tabular output of the phonic code table to activate mouth movements of the stylized mouth image.

As shown in this passage, the LPC filter coefficients, which are transmitted with the voice signal, are directly based on the sounds being transmitted. As such, the command data cannot be independent of the data defining the speech as recited in the claim.

**Appl. No.** : **10/607,672**  
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Claim 24-29 and 31-34 (as well as new Claims 35-39) each are dependent from Claim 23 either directly or indirectly. By not providing arguments as to the characterization of the prior art vis-à-vis the dependent claims, it does not imply that Applicant agrees with these characterizations. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶ 4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance.

Discussion of Rejections Under 35 U.S.C. § 103(a)

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being obvious over Erving. Claim 30 depends from Claim 23 and in accordance with 35 U.S.C. § 112, ¶ 4, includes each of its recited features. As discussed above, Erving fails to teach or disclose at least the features of “retriev[ing] data comprising text defining the speech to be spoken,” and “generat[ing] said speech from said text.” The Examiner proposes no modifications which would cure these deficiencies. As a result, Applicant respectfully submits that Claim 30 is allowable.

**Appl. No.** : **10/607,672**  
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### **CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: October 13, 2006

By: \_\_\_\_\_  
John M. Carson  
Registration No. 34,303  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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